

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ALMA and BENNY VILLARREAL,
husband and wife,

Plaintiffs,

vs.

INLAND EMPIRE ELECTRICAL
WORKERS HEALTH AND
WELFARE TRUST ("IEEW"); IEEW
BOARD OF TRUSTEES; AETNA
INSURANCE COMPANY; REHN
AND ASSOCIATES; DAVID
KIMMET; KRISTEN KNOX; and
JOHN DOES NOS. 1-20,
Defendants.

No. 1:16-cv-3114-SAB

**ORDER GRANTING
DEFENDANTS' MOTION TO
PARTIALLY DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT PURSUANT TO
FRCP 12(b)(6) AND MOTION TO
STRIKE PURSUANT TO FRCP
12(f)**

THIS MATTER came before the Court on Defendants' Motion to partially Dismiss Plaintiffs' first Amended Complaint for Failure to State a Claim Pursuant to FRCP 12(b)(6), and Motion to Strike Pursuant to FRCP 12(f). The Court, being

1 familiar with the files and records herein and having reviewed the following
2 documents:

3 1. Defendants' Motion to Dismiss Plaintiffs' Amended Complaint for Failure
4 to State a Claim Pursuant to FRCP 12(b)(6) and Motion to Strike Pursuant to
5 FRCP 12(f);

6 2. Plaintiffs' concession, through their counsel, that they have no objection to
7 the Defendants' proposed order, save and except the dismissal *with prejudice* of
8 Defendant Aetna (concerning its duty to review whether the services are medically
9 necessary), as stated in the declaration of Attorney J.J. Sandlin;

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

11 (1) All claims against Rehn Associates, and individual defendants David
12 Kimmet, Kristen Knox and Jane Does Nos. 1-20 are dismissed with prejudice; all
13 claims against Aetna are dismissed without prejudice;

14 (2) The following causes of action are dismissed with prejudice against all
15 Defendants for failure to state a claim: 29 U.S.C. §1102; 29 U.S.C. §1105(a); 29
16 U.S.C. §1109; 29 U.S.C. §1131;

17 (3) The remaining cause of action 29 U.S.C. §1132(a)(1)(B) is only asserted
18 against IEEW Trust and Trustees, and
19
20

(4) Defendants' Motion to Strike exemplary and extra-contractual damages, including for general and specific damages, consequential damages, loss of consortium, and personal injury are stricken.

DATED this 8th day of December, 2016.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
United States District Judge